

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
at Charleston

EMMANUEL O. SOYOOLA,

Plaintiff,

V.

Civil Action No. 2:13-cv-08907

OCEANUS INSURANCE COMPANY,
and HEALTHCARE PROFESSIONAL
SERVICES, INC.

Defendants.

**JOINT MOTION OF DEFENDANTS
FOR CONSOLIDATION PURSUANT TO FED. R. CIV. P. 42(a)**

NOW COME the Defendants, jointly and through the undersigned counsel, pursuant to Rule 42 (a) of the Federal Rules of Civil Procedure, to move this Honorable Court to consolidate this action with a prior pending federal court case styled as *McNeely v. Soyoola, et al.*, 12-cv-08727 (S.D. W.Va.) (the “McNeely Action”). Consolidation under Fed. Civ. Pro. R. 42(a) is warranted because: (1) both Plaintiff Emmanuel O. Soyoola (“Soyoola”) and Defendant Oceanus Insurance Company (“Oceanus”) are party defendants in the McNeely Action, (2) the McNeely Action concerns the same insurance policy and limits that are at issue in this case, (3) the factual discovery, including relevant witnesses, in the McNeely Action overlap with the facts of the instant action, and (4) nearly identical legal arguments under West Virginia Code § 33-20D-3(a) have been raised in this action as are raised in the McNeely Action.

An accompanying Memorandum of Law in support of the instant Joint Motion has been contemporaneously filed herewith.

Respectfully submitted,

OCEANUS INSURANCE COMPANY

By its attorneys,

May 23, 2013

/s/ Melanie Morgan Norris
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HEALTHCARE PROFESSIONAL SERVICES, INC.

By its attorneys,

May 23, 2013

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